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# PLANNING FOR MOBILE HOMES: A Guideline

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**September, 1981**

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# **PLANNING FOR MOBILE HOMES:**

## **A Guideline**

Prepared by  
Operations Review Section  
Operations Control Branch



Ontario

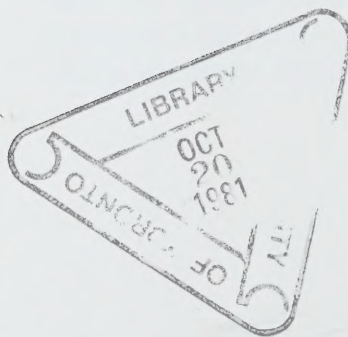
Ministry of  
Municipal Affairs  
and Housing

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## INTRODUCTION

The information in this publication is subject to change. For exact reference see the current legislation. Consult your solicitor on any legal questions.



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## 1.0 BACKGROUND AND PURPOSE

Over the years, perceptions of mobile homes have been changing. The Ministry of Municipal Affairs and Housing recognizes this change. It has taken the position that mobile homes should be treated like other forms of conventional housing.

Municipalities have, and can, participate in this changing perception. Through its planning controls, a municipality can promote the acceptance of mobile homes as a legitimate form of housing. Mobile homes, like all forms of development, require public facilities and services. They need adequate roads, waste disposal systems, water supplies and services such as schools, parks and shopping. Mobile home developments need to be planned in the same manner as other forms of housing, and local official plans and zoning by-laws should contain provisions which regulate their location and site planning. This guideline is intended to assist municipalities in preparing official plan policies and zoning by-law provisions to regulate mobile home developments. It suggests general criteria and policy considerations which should be evaluated and adapted to suit the needs of the individual municipality.

The information presented relates to mobile homes, and not to modular or prefabricated housing or to travel trailers. It applies primarily to mobile home developments, although sections may also be useful in planning for mobile homes on individual lots.<sup>1</sup>

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1. See Appendix A for definitions of certain technical terms used in this guideline.

## 2.0 THE OFFICIAL PLAN

### 2.1 Why Mobile Home Policies Are Needed

The lack of available land for mobile homes is one of the main impediments to their development. Because mobile homes are often associated with the 'travel trailer' image of the past, many municipalities have been reluctant to permit their establishment and they have been relegated to areas considered unsuitable for conventional forms of residential development. In cases where developments are not well designed and do not offer adequate services and facilities, the cause is frequently the absence of planning controls and/or inadequate development standards.

Properly planned and managed, mobile home developments can provide aesthetic living environments. They can contribute significantly to the total housing stock of a municipality. Modern mobile homes are increasingly accepted as a legitimate form of housing. Here are some reasons:

- Mobile homes are fully equipped, permanent occupancy dwellings containing the same basic features, and are subject to the same construction standards as site built homes. They can be similar in layout and living area to a small bungalow.
- Mobile homes are factory produced and transported to the site for permanent or semi-permanent installation. Mass production and low labour input result in relatively low unit cost and mobile homes are less expensive to maintain than conventional homes. If they are located in mobile home parks, land is not included in the selling price because the home owner rents his site, which reduces the initial cost of ownership.



- Mobile home communities provide the consumer with an alternate choice of housing and living environment.
- Mobile homes can be made available quickly to help alleviate housing shortages. Also, when a couple with grown children move into a mobile home development, a larger conventional home is often released for younger families.

## 2.2 Background Information and Analysis

The preparation of policies governing mobile homes should be aimed at suiting the community's needs. No standard approach can be applied to every municipality. Policies must reflect the demand for mobile homes, the physical, social and economic conditions of the community, and financial capability of the municipality.

In deciding what is best for the community, council should:

- examine the existing inventory of dwelling units in the municipality and in the adjacent communities, noting location, size, function, facilities, forms of tenure, and any problems which may exist.
- understand the physical, social and economic impact of mobile home developments, including revenues and expenditures.
- identify the demand for mobile homes including the need for various types of developments.
- engage the public in an ongoing citizen participation program.
- consult with advisory staff from the Ministry of Municipal Affairs and Housing. Where official plan approval authority has been delegated, you may wish to consult with the delegated approval authority.

### 2.3 Defining Goals and Objectives

Goals and objectives are important because they establish a framework for public decision-making. The background information collected and the municipality's public participation program will provide the information on which to base these goals and objectives. Goals in an official plan are usually broad, general statements of intent. For example, if the establishment of mobile home developments is considered desirable, a goal might be:

"to recognize mobile homes as an alternative form of housing to meet the needs of residents of the community."

Objectives are more specific statements which provide a measurable indication of progress in achieving a goal, for example:

"in establishing mobile home developments, council will attempt to integrate them with existing residential areas through the creation of pedestrian linkages, and the continuation of the existing street pattern into mobile home subdivisions."

Goals and objectives provide a background for the development of planning policies. They provide guidance on the scope and purpose of a municipality's planning program and its policies.

## 2.4 Formulation of Policies

The official plan policies should be specific statements aimed at achieving the goals and objectives. They should be defined as precisely as possible so that development applications can be assessed against clearly stated criteria. Council may wish to prepare general policies to apply to mobile homes as a whole, and specific policies to apply to special situations.

Official plan policies should also provide direction to zoning standards and requirements. Many of the criteria stated in the official plan will be implemented in a zoning by-law under section 35 of The Planning Act and, where applicable, a site plan agreement under section 35a of the Act. Policies should clearly state council's intent, but should not be so rigid that innovation and creativity of design are hampered. The level of detail desirable is a decision council will have to make. Policies, where possible, should be flexible enough to prevent minor amendments to the official plan. The following section outlines several matters for policy consideration.

## 3.0 POLICY CONSIDERATIONS

### 3.1 Financial Implications

As with all forms of development, the financial impact that mobile home development will have on a municipality should be fully understood in developing official plan policies and assessing new development applications. Policies should be developed which:



- specify how the financial impact of a development will be assessed. The municipality should be able to weigh the benefits which will be derived, including assessment revenue, employment opportunities, and anticipated spending patterns of the residents, against expenses incurred by the municipality in providing services to the development.
- specify which of the various tenure arrangements will be permitted, as they affect the provision of services. For example, with mobile home parks, the park operator can offer a wide range of services and very little cost will be borne by the municipality. In order for the park concept to be successful, however, it is necessary that it contain a sufficient number of units to derive enough rental income to cover the cost of these services.
- specify the level of information that will be required by a municipality in assessing any new development. This should include information to be provided at the expense of the developer. It is important that mobile home developments be well planned in advance of their availability for use.
- specify that municipal representatives study the significance of adopting urban development standards which would enable mobile home developments to be an economically viable form of housing and be compatible with other forms of housing.

### 3.2 Locational Criteria

Sites chosen for mobile home developments should take into account both the needs of the occupants and the effect they will have on existing land uses. Although the concept of the project and the anticipated social characteristics of the residents may have some bearing on location, they should generally be subject to the same locational requirements as conventional housing built at comparable densities within a municipality. If mobile homes are permitted to locate in areas considered undesirable for conventional housing, the chances are much greater that the resulting development will be unattractive and will ultimately evolve into a liability for the municipality. If, on the other hand, the same locational criteria are applied to both conventional housing and mobile homes, the result will be communities to be proud of. Locational policies should:

- require mobile home developments to locate within existing communities in areas designated or intended for residential use, or in separate residential districts adjacent to existing communities.
- require that mobile home developments be located in areas that are within walking distance of schools or can be serviced by existing school bus routes. The potential increase in school costs and demand on school facilities and transportation should be taken into consideration when evaluating a site.
- require that mobile home developments have direct access to an open public road which is maintained year round. The development should have two access points, possibly one entrance and one exit.

- encourage mobile home developments to locate within easy access of employment opportunities, shops and community facilities normally required for residential neighbourhoods. Convenience shopping and other services necessary to accommodate the needs of the residents may be included within the mobile home development land use designation.
- prohibit sites from locating where they would cause urban development along a major thoroughfare.
- prohibit developments from locating in close proximity to conflicting or noxious land uses which could be a disturbance or annoyance to the residents. Such conflicting uses include commercial and industrial development, extractive industries, livestock operations<sup>1</sup>, highways<sup>2</sup>, railways, and airports<sup>3</sup>.
- prohibit developments from locating in areas which have good agricultural potential. e.g., which fall within classes 1 - 4 of the Canada Land Inventory, or in other areas of special or unique agricultural soils<sup>4</sup>.

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1. Where mobile home developments are located near intensive livestock operations, the standards of The Agricultural Code of Practice, Ministry of Agriculture and Food, January 1976, should be considered.
  2. Refer to Guidelines on Noise and New Residential Developments Adjacent to Freeways, Ministry of Housing, April 1979.
  3. Provincial policy prohibits the location of residential development above the 30 noise exposure forecast (NEF) unless Canada Mortgage and Housing Corporation acoustical treatment criteria can be met. For further information refer to Land Use Policy Near Airports, Ministry of Housing, March 1978.
  4. Refer to Foodland Guidelines: A Policy Statement of the Government of Ontario on Planning for Agriculture, Ministry of Agriculture and Food, February 1978.



### 3.3 Servicing Requirements

Water supply, sewage disposal systems and solid waste collection may be the responsibility of either the owner of a mobile home, park, or in the case of a mobile home subdivision, the municipality. All water and sewage systems require government approval. Depending on the type, size and nature of the system, approval must be obtained either from the Ministry of the Environment or the local Medical Officer of Health. Official plan policies should ensure that:

- an accessible, adequate, safe and potable water supply is provided to every mobile home in a development. It is Ministry of the Environment policy that, where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection will be made to it and its supply used exclusively. When a satisfactory public water supply is not available, an approved private water supply system may be developed and operated. Responsibility for guaranteeing the systems operation should be established in a written agreement between the municipality and the owner<sup>1</sup>.
- adequate water is provided for fire protection. This may be incorporated as part of the domestic water supply or through the provision of a separate system used specifically for fire protection. The two supplies must not be inter-connected unless both are of satisfactory quality and are safe for drinking.

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1. If assistance or information is required in drafting an agreement, consult your local Ministry of the Environment field office.

- adequate and safe sewage disposal is provided in all mobile home developments for conveying and disposing of sewage. Wherever feasible, a connection should be made to a public system. Where a satisfactory public sewage system is not available, an approved private sewage system may be developed and operated. Responsibility for guaranteeing the systems operation should be established in a written agreement between the municipality and the owner<sup>1</sup>.
- there are adequate policies to deal with solid waste collection and disposal. The collection of garbage should be handled in the same manner as in conventional subdivisions.

### 3.4 Site Planning Criteria

The official plan should state council's policies regarding amenities, design and other site planning matters, but the actual requirements will be contained in the zoning by-law or the site plan agreement. Some of the matters council may consider establishing criteria for are:

- permitting or restricting various models of units or types of developments. For example, council may feel that single-wides do not blend well with conventional housing, and may permit only double-wides.

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1. If assistance or information is required in drafting an agreement, consult your local Ministry of the Environment field office.

- protection of natural features. Every attempt should be made to protect natural site features and vegetation. Where necessary, additional plantings and landscaping should be encouraged. Buffering in the form of fencing, natural growth and/or a buffer area may be required between the mobile home development and adjacent land uses. Designs to take advantage of natural buffering (e.g. a river, park, change in topography) should be encouraged.
- parkland requirements. Where the land is subdivided, the 5% parkland dedication under section 33(5) of The Planning Act will apply. In mobile home parks, the amount and type of recreational space required will depend on the characteristics and anticipated needs of the residents. Because mobile home parks are generally higher in density with narrower streets and smaller lots than conventional developments, adequate open space is even more important. Unless the development is a retirement community, equipped playground areas should be ensured. Where the land is not being subdivided, the municipality should require that a minimum of 5% of the development be set aside for park purposes and should adopt policies for the disposition of the lands and their maintenance.
- municipal requirements for parking. Council should establish policies for the provision of on-site parking based on the type and density of development.



- street furniture. Policies should be established which specify the subdividers' or mobile home park operators' responsibilities for the provision of benches, waste receptacles, identification of streets, sidewalks and street lighting.
- specifications for roads and street pattern. At least two access points to a maintained public road should be provided. Width of streets will vary depending on park type and design, but should be wide enough to provide two-way vehicular movement.

### 3.5 Implementation

The official plan should state how council intends to implement its policies. The plan should specify:

- under what conditions mobile homes will be permitted. Will a separate mobile home designation be required or will mobile homes be permitted in other residential designations?
- how zoning to cover mobile homes will be instituted. e.g., will a separate zoning category be set up?
- when a zoning by-law amendment will be required. e.g., mobile homes may be allowed in areas for residential use, subject to a zoning by-law amendment.
- if section 35a and a site plan agreement will be employed.
- whether the municipality or the mobile home park operator will be responsible for maintenance of public facilities. If the operator is responsible what maintenance standards will be required and how will council enforce them?

#### 4.0 DEVELOPMENT CONTROL

##### 4.1 Zoning By-Law

A zoning by-law passed under section 35 of The Planning Act gives a municipality the power to regulate the use of land, buildings or structures in a manner consistent with the policies of the official plan. The format of by-laws varies. The requirements for mobile home developments contained in the comprehensive by-law (or amendment) may apply to subsequent development, or site specific by-laws may be required. A separate mobile home category is recommended to address the various issues posed by different types and densities of development.

The zoning by-law should:

- define the area to which the by-law applies.
- state the uses permitted in the mobile home zone.

Some examples are:

##### residential uses

types of units (single-wides, double-wides,  
expandables)  
dwelling unit for full time employee

##### non-residential uses

community facilities  
convenience stores  
laundromat  
a mobile home park rental and management office  
recreation facilities  
accessory non-residential uses

- define all permitted uses and any other terms which could be subject to interpretation.
- prescribe minimum standards for such things as lot/site size, density, setbacks, lot coverage, unit floor area. For mobile home parks two sets of standards may be developed - one for the park as a whole, and the other for the individual sites.
- specify the size of a development. The scale of mobile home developments should be in keeping with the surrounding area and should be compatible with the size of the facilities in the municipality in which they are located. Although it is desirable for mobile home developments to be large enough to create a sense of community, they should not be physically, socially or economically detrimental to the municipality. The by-law should also specify the size and location of non-residential uses.
- specify parking requirements. Adequate off-street parking areas should be ensured for both residents and visitors.
- define storage requirements and restrictions applying to other ancillary uses. As most mobile homes do not have basements, developments should be designed to allow for the accommodation of attached and/or ancillary storage structures or for commercial storage. No outside storage should be permitted.
- set specifications for display units. If mobile home sales or model units are to be a part of the project, they should be designed in a way that will not interfere with the residential component of the development. All model units should be located in one area, and the sales activity should be buffered from living areas.



#### 4.2 Site Plan Control By-Law and Site Plan Agreement

A municipality with an approved official plan in effect can also use section 35a of The Planning Act to supplement the controls imposed under section 35. Under section 35a council can adopt a by-law designating a specified area or land use designation to be subject to site plan control<sup>1</sup>.

Prior to the development of any area or land use designation subject to site plan control, council must approve either one or both of the following:

- plans showing the location of all buildings and structures to be created, and the location of facilities and works.
- drawings showing plan, elevation and cross section views for any commercial building in the development.

Section 35a also permits a municipality to enter into a site plan agreement with the developer, which may be registered on title and applied to any subsequent land owners. The site plan agreement may deal with any of the items covered in the site plan control by-law. These items are identified in section 35a(6) of The Planning Act.

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1. Where the planning area includes townships without municipal organization, council cannot apply site plan control to the unorganized part of the planning area.

The site plan agreement can require the developer to provide to the satisfaction of, and at no expense to the municipality:

- widenings of highways that abut on the land.
- facilities to provide access to and from the land such as access ramps, curbing, and traffic direction signs.
- off-street vehicular loading and parking facilities, access driveways (including driveways for emergency vehicles), and the surfacing of these areas and driveways.
- walkways (including their surfacing) and any other means of pedestrian access.
- facilities for lighting the land, buildings or structures.
- facilities for landscaping the land or for the protection of adjoining lands (including walls, fences, hedges, trees, shrubs or other groundcover).
- easements conveyed to the municipality for the construction, maintenance or improvements of watercourses, ditches, land drainage, works and sanitary sewage facilities on the land.

While section 35a can provide additional controls over and above section 35, it may not always be necessary or appropriate. Municipalities should consider the administrative costs in preparing the by-laws, receiving plans, and drafting and implementing a site plan agreement. It may be necessary to only use section 35a when there is a particular problem they are concerned with (e.g. drainage) which can be dealt with under the legislation.

For further information on site plan control and site plan agreements, see the Ministry of Housing's publication Site Plan Control: An Explanation of Section 35a of The Planning Act.

## 5.0 ADDITIONAL INFORMATION

If more detailed information on the preparation of mobile home policies or regulations is needed please contact:

The Community Planning Advisory Branch

### Central Region

2nd Floor

47 Sheppard Avenue East

Willowdale (Toronto)

M2N 2Z8

Telephone: Zenith 52650  
(416) 224-7635

### South West Region

7th Floor

495 Richmond Street

London

M6A 5A9

Telephone: 1-800-265-4736  
(Toll Free)  
(519) 673-1611

### South East Region

3rd Floor

244 Rideau Street

Ottawa

K1N 5Y3

Telephone: Zenith 52650  
(613) 566-3801

### North West Region

453 James Street South

Thunder Bay

P7C 5G6

Telephone: Zenith 5-2650  
(807) 475-1651

North East Region

1191 Lansing Avenue

Sudbury

P3A 4C4

Telephone: 1-800-461-1193 (Toll Free)  
(705) 560-0120

You may also contact directly:

1) for information on  
zoning by-laws, site  
plan control by-laws  
and official plans

Operations Review Section  
Plans Administration Division  
7th Floor  
56 Wellesley Street West  
Toronto  
M2K 1A7  
Telephone: (416) 965-6418

Community Planning Review Branch  
Plans Administration Division  
7th Floor  
56 Wellesley Street West  
Toronto  
M2K 1A7  
Telephone: (416) 965-6418



2) for design and  
site planning matters

Local Planning Policy Branch

3rd Floor

56 Wellesley Street West

Toronto

M2K 1A7

Telephone: (416) 965-5890

## APPENDICES

### Appendix A - Definitions

Other than the definition of mobile home in The Planning Act, there is no uniform set of definitions covering mobile home developments. The following definitions explain the use of certain terms in this guideline.

Mobile home means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer otherwise designed.

Mobile Home, single-wide means a mobile home unit designed to be towed in a single load.

Mobile home, double-wide means a mobile home consisting of two sections, separately towable, but designed to be joined together into one integral unit.

Mobile home, expandable means a single wide mobile home incorporating parts which may be folded, collapsed or telescoped during transportation and extended to provide additional space at the mobile home site.

Mobile home development means both mobile home parks and mobile home subdivisions.

Mobile home lot means a parcel of land (a) described in a deed or other document legally capable of conveying land, or (b) shown as a lot or block on a registered plan of subdivision and which is intended for the placement of a mobile home.

Mobile home park means a parcel of land under single ownership and management which has been planned and improved for the placement of mobile homes. Residents may own their mobile home but rent the site on which it is located. Ownership and responsibility for the maintenance of internal roads, underground services, commercial areas and buildings, together with general park management including snow clearance and garbage collection, usually rests with the owner. A mobile home park differs from a mobile home subdivision in that no individual lots have been created through the registered plan of subdivision process.

Mobile home site means an area of land within a mobile home park that is intended to be occupied by one mobile home.

Mobile home subdivision means a mobile home development registered as a subdivision containing lots under freehold tenure, where the responsibility for the maintenance of streets rests with the municipality, which may also assume responsibility for services such as snow clearance, garbage collection and street lighting.



## Appendix B - Facts You Should Know About Mobile Homes

There are some basic facts pertaining to mobile home developments with which a municipal council should be familiar. To supplement this information, you may wish to consult some of the additional sources listed in the bibliography.

### 1.0 FORMS OF TENURE

#### 1.1 Mobile Home Parks

A mobile home park consists of one parcel of land which is under single ownership and has not been subdivided under The Planning Act. Individual sites are rented or leased to the mobile homeowner.

The park owner normally retains title to all land within the park's boundaries, including roads, recreation areas and commercial facilities. He is generally responsible for the installation and maintenance of water and sewage facilities, the maintenance of roads, snow removal, garbage collection and general park upkeep.

**Some important points to remember about mobile home parks:**

- a number of services and utilities are provided and maintained by the park owner, therefore costing the municipality less than other housing developments.
- a mobile home park will only be as good as its management. Sound management will ensure a pleasant community which meets the housing needs of its occupants.

- housing costs can be kept down because of reduced development standards (e.g. narrower roads and smaller lots) and because the land is not included in the cost of the dwelling. While site rental is a part of the housing cost, initial expenses incurred by the mobile homeowner will be considerably lower than for conventional housing.
- the mobile home park must be large enough to have sufficient rental income to cover the maintenance operation and management of the facilities in the park.

## 1.2 Mobile Home Subdivisions

In a mobile home subdivision, the land is subdivided under section 33 of The Planning Act in the same manner as a conventional subdivision. Lots are sold to the individual mobile home owner. Roads, services and utilities are owned and maintained by the municipality.

### **Some important points to remember about mobile home subdivisions:**

- the ownership of land contributes to a feeling of permanence and security for the residents.
- standards for services, roads and utilities are the same as for conventional subdivisions, and mobile home developments are therefore more easily integrated with areas of conventional housing.
- since the municipality assumes ownership of roads and utilities, maintenance is assured.

- development costs may not be less than for conventional housing.

### 1.3 Co-operative Ownership

Co-operative ownership of land for mobile homes involves setting-up a co-operative company under The Corporations Act. Individuals do not receive title to their land, but instead own a share in the mobile home development.

**Some important points to remember about  
co-operative ownership:**

- management responsibility is transferred to the owners.
- services and facilities are operated and maintained by the owners. Usually this means reduced costs for the municipality.

## 2.0 TYPES OF COMMUNITIES

In Ontario, mobile home developments generally fall within one of three categories. Many of the requirements that the municipality will want will be contingent on the type of development being planned.

### 2.1 Family or General Occupancy Developments

Family developments are generally characterized by younger, smaller families whose income is not high enough to compete in the conventional housing market. Owners find that mobile homes provide many of the features of conventional homes and yet can be purchased at a lower price.

## 2.2. Retirement Communities

Senior citizens often are attracted to the lifestyle offered in retirement communities. As home owners who have built up significant equity over the years, they may seek a smaller housing unit without giving up the privacy and independence of a single dwelling. Maintenance is easy and inexpensive, and residents still have the advantage of a yard and garden. Further appeal derives from community and recreational facilities which allow retired folks to share social activities with others their own age.

## 2.3 Short Term Developments

There are situations where mobile homes are used to provide housing on a short term basis. Often, developments are established in conjunction with resource industries, construction sites or military bases. Mobile homes have also provided instant shelter in emergency situations where communities have been destroyed by natural causes.

## 3.0 DWELLING CHARACTERISTICS

The unique features of mobile homes must be recognized in developing standards for such things as site layout, design and proper integration with the surrounding area.



### 3.1 Production, Marketing and Transportation

Mobile homes differ from other forms of housing in that they are factory built, transportable, self-contained dwellings designed and built to be used on their own chassis or frame. Usually marketed without land, they are transported from the factory to a site, often via a dealer. Once they reach the site, the hitch and running gear can be removed and the units set on a foundation. The hitch and running gear can be reattached so that mobile homes can be moved to a new site.

### 3.2 Construction and Design of Units

Mobile homes are generally constructed with a wood frame and aluminum or other light weight but durable exterior. They are one storey dwellings with no attic or basement (although basements are now occasionally being built into the foundation). Double-wides can have as much floor space as a small bungalow, although single-wides have less. Mobile homes can be designed and constructed to suit the particular needs of a project or a local housing market. However, currently they are usually manufactured in three basic types. Sizes and layouts vary.

- Single-wide:

The original and still most common type of mobile home is the 3 bedroom single-wide of 56 square metres. (They are generally 3.7 m to 4.3 m wide and 14.6 m to 20.1 m long.) The layout of the rooms is linear.

- Double-wide:

Double-wides are rapidly increasing in popularity. They resemble conventional housing in appearance and offer much more living space (67 square metres to 100 square metres) than a single-wide. They consist of two separately towable components that are joined on the site. Double-wides range from 6.7 m to 7.3 m in width and from 11 m to 18.3 m in length.

- Expandable:

An expandable mobile home is transported in one load, but incorporates an addition to the home, which fits inside the unit during transportation and is placed in position on location. In addition to increasing the amount of living space, it varies the shape and appearance of the home. Expandables are presently the least popular type of mobile home.

#### 4.0 CONSTRUCTION STANDARDS

Most mobile homes currently built in Ontario comply with both the Ontario Building Code and the specifications of the Canadian Standards Association. Homes constructed outside Ontario, or older used homes, may not.

#### 4.1 Canadian Standards Association

The Canadian Standards Association has developed a series of specifications (CSA Z240) which are intended to ensure uniform quality in the construction of mobile homes and to protect home buyers against inferior products. The specifications cover electrical, plumbing and heating aspects and include transportation guidelines and structural requirements. The Ontario Building Code requires that all mobile homes must be certified as at least meeting the minimum requirements of this standard.

Certification is given as the unit leaves the factory. Proper anchoring, climatic differences, rough handling or changes made by the dealer are therefore beyond the scope of CSA Z240.

CSA Z240 is basically a voluntary standard. However, it is a requirement for membership in the Canadian Manufacturers Housing Institute and for financing under the National Housing Act.

#### 4.2 The Ontario Building Code

The regulations of the Ontario Building Code that apply to site built dwellings also apply to mobile homes and their foundations. All mobile homes constructed and placed on a foundation in the province since December 31, 1975 must meet the requirements of the Code.

## 5.0 MUNICIPAL REVENUE

Municipalities have been able to obtain revenue from mobile homes under one of two methods - licensing or assessment. The current trend is towards assessment.

### 5.1 Licensing

Originally, mobile homes were taxed as road vehicles, and municipalities derived revenue from them by using licensing powers permitted under The Municipal Act. Section 354(1) paragraph 87 of the Act provides for a municipality to pass a by-law to license "trailers" in order to collect up to \$240 per year revenue. (A trailer is defined in section 87 of The Municipal Act as "any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or had its running gear removed".) Appropriate or not, many mobile homes have been licensed under this legislation.



## 5.2 Assessment

Now, since a reasonable degree of permanency can be established for most mobile homes, they are assessed and subject to property tax. Permanency is determined by removal of running gear, hook-up to services, and the presence of such things as skirtings, foundations, porches, extensions and landscaping.

Mobile homes are assessed and taxed in the same manner as conventionally built homes. The only variation is for mobile home parks where the tax bill is divided in two. The land or lot tax bill is sent to the park owner, and the building tax bill is sent to the homeowner. This, however, does not affect the tax revenue obtained by the municipality.

Appendix C - Section 35c of The Planning Act

On June 1, 1977, the Government of Ontario added section 35c to The Planning Act<sup>1</sup>. This section was enacted to end the random locating of mobile homes by requiring that new mobile home proposals in excess of one unit per parcel of land be subject to an authorizing zoning by-law or minister's zoning order.

APPLICATION

The legislation applies to mobile homes as defined in section 35c. It does not apply to travel trailers or recreational vehicles but rather only to mobile homes constructed for permanent residential accommodation.

Section 35c. is specifically aimed at areas without adequate zoning controls for mobile homes. It permits one mobile home per parcel of land unless there is a zoning by-law or order in force permitting more (or not permitting any mobile homes at all). A parcel of land is any piece of land in separate ownership that can be sold without obtaining consent under section 29 of The Planning Act. It can also be a lot in a registered plan of subdivision.

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1. A copy of section 35c has been provided at the end of this Appendix.

## THE IMPACT OF THE LEGISLATION

Section 35c. now requires that all new mobile home development in excess of one unit per parcel of land be authorized by either a municipal zoning by-law (or a ministerial zoning order enacted under section 32 of The Planning Act). This applies to all municipalities in the province as well as all areas without municipal organization. All mobile home development must also comply with the Ontario Building Code and public health standards.

### 1. Municipalities with Approved zoning by-laws

New mobile home development in excess of one unit per parcel of land or expansions to existing developments must be located in accordance with the terms of the by-law. If such proposals are not permitted under the terms of the by-law, municipal council must pass an appropriate zoning by-law amendment to authorize the proposal and that by-law must be approved by the Ontario Municipal Board.

Some existing mobile home parks may be legal non-conforming uses (Section 35(7) of The Planning Act). Generally speaking, non-conforming uses are uses that were located legally before the zoning by-law was passed. If such a mobile home park wishes to expand, it can do so only through a zoning by-law amendment.

2. Municipalities and Territories without Municipal Organization affected by a Minister's Zoning Order

Mobile home development in a given location is either permitted or not permitted under the terms of the zoning order. If it is not a permitted use under the terms of the order then a new mobile home development must be approved through an amendment to the minister's zoning order.

Expansions to existing mobile home developments in excess of one unit per parcel of land must be recognized in the zoning order.

In most cases a zoning order amendment will be necessary.

Information on zoning order amendments is available from Ministry of Municipal Affairs and Housing regional offices or from the Community Planning Review Branch in the Plans Administration Division.

Any mobile home located in contravention of a minister's order or Section 35c. is subject to legal proceedings by summary conviction and by restraining action.

3. Municipalities with no approved zoning by-laws

Mobile home development is subject to Section 35c of The Planning Act. There can be only one mobile home per parcel of land in separate ownership.

New mobile home development in excess of one unit per parcel of land or expansions to existing ones can proceed only if the municipality passes a zoning by-law to authorize it and that by-law is approved by the Ontario Municipal Board.

Mobile home development in excess of one unit per parcel of land located before June 1, 1977 (or located in accordance with a building permit issued before that date) may continue to be used provided:

- (a) the mobile home remains in the same location
- (b) the use is continuous

All mobile homes located in contravention of Section 35c. are subject to legal proceedings by summary conviction and by restraining action of the municipality. It would normally be expected that such proceedings would be initiated by the municipality although section 35c provides that the Minister and rate-payers also have this authority.

4. Territories Without Municipal Organization:- No Zoning Order Coverage

Mobile home development is subject to section 35c of The Planning Act. There can be only one mobile home per parcel of land in separate ownership.

New mobile home development in excess of one unit per parcel of land or expansions to existing ones can legally proceed only if a minister's order has been made to authorize it.

Mobile home parks located before June 1, 1977 (or located in accordance with a building permit issued before that date) may continue to be used provided:

- (a) the mobile home remains in the same location
- (b) the use is continuous



All mobile homes located in contravention of Section 35c are subject to legal proceedings by summary conviction and by restraining action. Such legal action can be initiated in territories without municipal organization by the Minister, a resident, an adjoining municipality, or a ratepayer of an adjoining municipality.

EXTRACT - Section 35c of The Planning Act

35c.--(1) In this section,

- Interpretation      (a) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) "parcel of land" means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause b of subsection 2 or clause a of subsection 4 of section 29.
- One mobile home per parcel of land      (2) Unless otherwise authorized by a by-law in force under section 35 or an order of the Minister made under clause a of subsection 1 of section 32, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as defined in clause b of subsection 1, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.
- Saving                (3) This section does not apply to prevent the continued use in the same location of any mobile home that,
- (a) is erected or located and in use prior to the 1st day of June, 1977; or
- (b) is erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.
- Offence              (4) Every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- Right to restrain    (5) In addition to any other remedy or penalty provided by law, any contravention of this section may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality and, where the contravention took place in territory without municipal organization, the action may be taken at the instance of the Minister or any resident of such territory or any adjoining municipality or any ratepayer of any adjoining municipality. 1976 c.38, s.3.

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